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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,700	04/26/2005	W Novis Smith	1410P	8739
<div>7590 10/31/2008</div> <div>Zachary T. Wobensmith, III</div> <div>7746 101st Court</div> <div>Vero Beach, FL 32967-2871</div>				
EXAMINER				
WEINER, LAURA S				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
10/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,700

Applicant(s)

SMITH ET AL.

Examiner

/Laura S. Weiner/

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments and Amendment

1. Applicant's arguments filed 10-21-08 with respect to the rejection(s) of claim(s) are persuasive and, therefore, the finality of that action is withdrawn and the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kejha et al. (US 2006/0105244) or Imai et al. (JP 59-071263) or Imai et al. (JP 58-075779).

Claim Rejections - 35 USC § 112

2. Claims 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11-14 are rejected because there is no antecedent basis for "wherein said fluorides are". It is unclear what the range of 10-90% by weight is describing. Is it in regard to each of LiF, MgF₂, NaF or is it in regard to the separator?

Claims 11-14 are rejected because it is unclear what the difference is between "a polymer matrix" cited in claims 11-12 and "a polymeric binder" cited in claims 13-14.

Claim Rejections - 35 USC § 102

3. Claims 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al. (JP 59-071263, abstract) or Imai et al. (JP 58-075779, abstract).

Imai et al. ('263) teaches a solid electrolyte comprising PMMA, and one or more

of LiF, LiClO₄, LiBF₄, LiPF₆, etc. and one or more of poly(acetylene glycol) and poly(propylene oxide).

Imai et al. ('779) teaches a solid electrolyte battery comprising a solid electrolyte layer obtained by incorporating at least one of 1-50 mol% LiF, LiClO₄, LiBF₄, LiPF₆, etc. to a resin such as poly(vinylidene fluoride), polyacrylonitrile, poly(Methacrylate), etc.

4. Claims 11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kejha et al. (US 2006/0105244).

Kejha et al. teaches an electrochemical device comprising a separator comprising a mixture of H₂O, polyvinyl alcohol and 25-75% by weight of LiF and a nonaqueous electrolyte in contact with the separator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Laura S. Weiner/ whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura S Weiner/
Primary Examiner
Art Unit 1795

October 28, 2008